

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DAVID GRANT,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, AND
REHABILITATION (CDCR),
Defendant.

Case No. [21-cv-03730-PJH](#)

ORDER OF TRANSFER

Re: Dkt. Nos. 1, 4

This is a civil rights case brought pro se by a state prisoner. Plaintiff is incarcerated in the Central District of California and raises claims against defendants in that district. He states that the Internal Revenue Service sent the prison a debit card with his economic impact payment ("EIP") pursuant to the Coronavirus Aid, Relief, and Economic Security Act (The "CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020). He contends that prison officials are holding his debit card along with the debit cards of other inmates at his prison, because debit cards are not an authorized form of payment allowed for prisoners. For relief, he seeks prison officials to provide him his funds.

In *Scholl v. Mnuchin*, 494 F. Supp. 3d 661 (N.D. Cal. 2020) this court found that the Department of Treasury and Internal Revenue Service could not withhold advance refunds or credits to individuals solely because they were incarcerated. *Id.* at 692. To the extent plaintiff requests to proceed with his claim in this court and the *Scholl* case, any such request is denied. Plaintiff's claims involve entirely different defendants located in the Central District of California. Plaintiff's claim involves interference by prison officials in plaintiff receiving his EIP, not the issuance of funds by the *Scholl* defendants

1 and the CARES Act.

2 Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C.
3 § 1391(b). This case is **TRANSFERRED** to the United States District Court for the
4 Central District of California. See 28 U.S.C. § 1406(a). In light of the transfer, the court
5 will not rule on plaintiff's motions (Docket Nos. 1, 4) which are **VACATED**.

6 **IT IS SO ORDERED.**

7 Dated: July 19, 2021

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9 /s/ Phyllis J. Hamilton

10 PHYLLIS J. HAMILTON
11 United States District Judge
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United States District Court
Northern District of California